

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/20/2018 1:20:12 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: Ethics Approval: Events with VPOTUS

Democracy for America, a 501(c)4, has filed with the FEC for a number of cycles. The 501(c)4 hosting this event is distinguished from that and doesn't file with the FEC. I think we really do have a better foothold on this with election law attorneys rather than in-house generalists at EPA.

Let me know how your conversation goes with Matt Morgan. He's aware of our situation.

From: Leopold, Matt
Sent: Monday, March 19, 2018 9:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: Ethics Approval: Events with VPOTUS

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: March 19, 2018 at 9:04:30 PM EDT
To: "Packard, Elise" <Packard.Elise@epa.gov>, "Leopold, Matt" <Leopold.Matt@epa.gov>
Subject: Re: Ethics Approval: Events with VPOTUS

Looking quickly, this seems very similar to events last administration with Democracy for America. Those were treated as political events because they were sponsored by a 501(c)(4) entity that is focused on supporting the policies of the President's presidential campaign. This President has declared his candidacy and is a candidate for partisan election, so, unfortunately, I do not see it differently from Justina. The only option I could think of is to consult with the Office of Special Counsel who enforces the Hatch Act and see if they see it differently.

Kevin

Sent from my iPhone

On Mar 20, 2018, at 8:42 AM, Packard, Elise <Packard.Elise@epa.gov> wrote:

From: Leopold, Matt
Sent: Monday, March 19, 2018 7:33 PM
To: Packard, Elise
Subject: Fwd: Ethics Approval: Events with VPOTUS

Sent from my iPhone

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: March 19, 2018 at 7:02:10 PM EDT
To: "Leopold, Matt" <Leopold.Matt@epa.gov>
Subject: FW: Ethics Approval: Events with VPOTUS

From: Fugh, Justina
Sent: Monday, March 19, 2018 5:29 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: FW: Ethics Approval: Events with VPOTUS

Hi Hayley,

All three of these events involve organizations that are considered political groups or a political party, including American First Policies. So the Hatch Act is implicated in each one. The rules for Mr. Pruitt are very different than those for the Vice President, who is not subject to the Hatch Act. For Mr. Pruitt to attend, he must do so only in his personal capacity, and the organization cannot refer to him in any way with reference to his official title or position. He cannot be introduced or appear on any brochure or email as the EPA Administrator.

Please see my comments on the email you sent. I've copied Jeanne Duross, an ethics attorney, for her information as she is picking up Hatch Act as an area of specialty in our group. I've attached the Hatch Act ground rules and other documents prepared by OGC/Ethics as a reminder to us all.

YOU WROTE: The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and

attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component.

JUSTINA: Actually, the 2018-03-23 VP Event is considered to be a political event because one of the sponsors, America First Policies, is a "political group" under the applicable definition of the Hatch Act. It is a 501(c)(4) entity that promotes the policy agenda of the President's presidential campaign. If Mr. Pruitt wishes to attend, he must do so in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let's coordinate so that I know when OGC/Ethics should write to Adria Stoliar with the Hatch Act ground rules.

The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

JUSTINA: If he attends, it must be in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let's coordinate so that I know when OGC/Ethics should write to Ann Pierce (America First Roundtable) and Carmen Bergman (Georgia Republican Party) with the Hatch Act ground rules.

The information below will be helpful in reviewing:

- **Costs:** The VP's office will sum up all of the bills associated with this trip and will categorize as political or official according to the amount of time he spent at political vs. official events.

JUSTINA: No, I don't think so. Since these are Presidential campaign events, the correct calculation is done not by "hard time" (the actual distribution of time spent on one type event versus the other) but rather by the "hypothetical" time. Remember that what the VP can do is very different from what Mr. Pruitt may do under the Hatch Act.

- For the portion of costs associated with his time at the political events (and by extension, the Administrator's costs), they will bill these costs directly to the political entities. For the official portion, they have sent us a reimbursement agreement for the Administrator's portion of the costs. Therefore, NONE of the costs of the Administrator attending the political events in his personal capacity will be paid/invoiced by/to the EPA.

JUSTINA: I want to reassure myself that the costs are calculated correctly (and, because this is political travel, we should not use Mr. Pruitt's EPA title). Please send me the reimbursement agreement so that I can see it.

- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).

JUSTINA: He cannot use his EPA position, title or authority in connection with the political activity. The GA GOP needs to get our ground rules so that we can see who is being invited because he can't encourage or discourage the political activity of people directly regulated by EPA or use his EPA official title/authority in connection with the activity. And he can't ask for money at all.

- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. They may not know yet that the VP's office is bringing the Administrator as his guest, so please just let me know before you reach out so I can clear with the VP's office that it's ok.

JUSTINA: Let's coordinate.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US
EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton
Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ford, Hayley
Sent: Thursday, March 15, 2018 6:23 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Ethics Approval: Events with VPOTUS

Justina,

The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component. The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

The information below will be helpful in reviewing:

- **Costs:** The VP's office will sum up all of the bills associated with this trip and will categorize as political or official according to the amount of time he spent at political vs. official events. For the portion of costs associated with his time at the political events (and by extension, the Administrator's costs), they will bill these costs directly to the political entities. For the official portion, they have sent us a reimbursement agreement for the Administrator's portion of the costs. Therefore, NONE of the costs of the Administrator attending the

political events in his personal capacity will be paid/invoiced by/to the EPA.

- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).
- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. They may not know yet that the VP's office is bringing the Administrator as his guest, so please just let me know before you reach out so I can clear with the VP's office that it's ok.

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

<A1A ATLANTA Roundtable SP 03 23 18.docx>

<Georgia GOP.DOCX>

<2018-03-23 VP Event Proposal Atlanta, GA.DOCX>

<GROUND RULES FOR POLITICAL EVENTS.doc>

<HOW TO CALCULATE POLITICAL TRAVEL.doc>

<HOW TO REVIEW POLITICAL INVITATIONS.doc>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/9/2018 5:15:30 PM
To: stefan.c.passantino@ [Ex. 6]
Subject: RE: [Ex. 5 Deliberative Process (DP)]
Attachments: [Ex. 5 Deliberative Process (DP)]

Stefan, I've attached a drafted [Ex. 5 Deliberative Process (DP)] for your review as well.

I would like to close the loop with you on [Ex. 5 Deliberative Process (DP)]
[Ex. 5 Deliberative Process (DP)]

From: Jackson, Ryan
Sent: Monday, March 5, 2018 2:23 PM
To: stefan.c.passantino@ [Ex. 6]
Subject: Fwd: [Ex. 5 Deliberative Process (DP)]

Stefan I just wanted to follow up with you. If it would help I can also send you a drafted [Ex. 5 Deliberative Process (DP)]
[Ex. 5 Deliberative Process (DP)] Thanks again.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: February 26, 2018 at 5:15:45 PM EST
To: "stefan.c.passantino@ [Ex. 6]" <stefan.c.passantino@ [Ex. 6]>
Cc: "Leopold, Matt" <Leopold.Matt@epa.gov>
Subject: [Ex. 5 Deliberative Process (DP)]

Stefan –

Per our conversation on Friday, attached is [Ex. 5 Deliberative Process (DP)]
[Ex. 5 Deliberative Process (DP)]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/5/2018 9:31:34 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]; Konkus, John [konkus.john@epa.gov]; Davis, Patrick [davis.patrick@epa.gov]
Subject: FW: Democrats question EPA's moonlighting political appointees
Attachments: approval of outside activity.pdf; approval of outside activity Feb 2017.pdf

Attached is information for the press inquiries. Can you let me know if this is an ongoing situation?

From: Fugh, Justina
Sent: Monday, March 5, 2018 2:59 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Democrats question EPA's moonlighting political appointees

Yeah, I signed those approvals (see attached). Patrick Davis was approved back in Feb 2017 and John Konkus in Aug 2017. They both needed to confirm to me that their supervisor at the time concurred in their request, which they did orally. Both were told in advance of the FOIA release that these documents would be included. I'm sorry that it's a surprise to you. It's a surprise to me that anyone would care.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Jackson, Ryan
Sent: Monday, March 05, 2018 2:43 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: Democrats question EPA's moonlighting political appointees

This is a surprise

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "POLITICO Pro Energy Whiteboard" <politicoemail@politicopro.com>
Date: March 5, 2018 at 2:40:58 PM EST
To: <jackson.ryan@epa.gov>
Subject: Democrats question EPA's moonlighting political appointees
Reply-To: "POLITICO subscriptions" <reply-fe9413737d64067877-1159543_HTML-786581600-1376319-0@politicoemail.com>

By Alex Guillén

03/05/2018 02:39 PM EDT

House Democrats today said they have "serious concerns" about two EPA political appointees who were cleared by the agency to work outside jobs, including one who was approved to perform public relations works for unnamed clients.

John Konkus, a deputy associate administrator of public affairs, was cleared last summer to provide "consultative media advice" to outside clients, the Democrats wrote in a [letter](#). The list of clients was redacted from Konkus' [approval](#).

Konkus, who helped shepherd Administrator Scott Pruitt through confirmation and has been at EPA since, was given a controversial charge reviewing the agency's grant awards.

"A political appointee cutting millions of dollars in funding to EPA grant recipients on what appears to be a politically motivated basis, while at the same time being authorized to serve as a paid media consultant to unnamed outside clients, raises serious concerns of potential conflicts of interest," wrote [Frank Pallone](#) of New Jersey, [Diana DeGette](#) of Colorado, [Kathy Castor](#) of Florida and [Paul Tonko](#) of New York.

The lawmakers also flagged Patrick Davis, a member of the Trump administration's EPA beachhead team who now advises the regional administrator in Colorado. Davis was cleared last year to continue working as sales director for a company called Telephone Town Hall Meeting. The [clearance](#), released under a Freedom of Information Act request, barred Davis from using his position at EPA to solicit clients and prohibited him from pursuing anyone regulated by EPA.

WHAT'S NEXT: The lawmakers requested by March 19 more details on outside work by those officials and any other political appointees at EPA, including Konkus' client list.

To view online:

<https://www.politicopro.com/energy/whiteboard/2018/03/democrats-question-epas-moonlighting-political-appointees-732248>

Was this Pro content helpful? Tell us what you think in one click.



Yes, very



Somewhat



Neutral



Not really



Not at all

You received this POLITICO Pro content because your customized settings include:

Energy: EPA. To change your alert settings, please go to

<https://www.politicopro.com/settings>

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

AUG 1 - 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: John Konkus
Deputy Associate Administrator
Office of Public Affairs

I have received your request to engage in outside activity for compensation. You wish to take on clients to advise about strategy, mail and media production. You have two likely clients now (Jamestown Associates and a Florida State Representative), and anticipate getting more clients in the next six months.

You are a Schedule C appointee and, as such, are subject to an outside earned income limitation set forth at 5 CFR 2635.804. This restriction does apply to Schedule C appointees, as explained at 5 CFR 2636.301(a)(3). For 2017, you cannot earn more than \$27,765 in your outside activity. The restriction also prevents you from accepting compensation for "practicing a profession which involves a fiduciary relationship; affiliating with or being employed by a firm or other entity which provides professional services involving a fiduciary relationship; serving as an officer or member of the board of any association, corporation or other entity; or teaching without prior approval." 5 CFR 2635.804(b). We have determined that providing consultative media advice is not a fiduciary role, and you will be providing those services directly as opposed to through any corporation.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties. As your consulting duties will remain the same, just inform me of any new clients so that I can advise you about any additional conflicts issues if they arise.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by the clients, you have a financial conflict of interest with both of them. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside clients. You cannot work on particular matters that involve your clients as a specific party nor can you work on particular matters of general applicability.

You will need to report the consulting work and gross income on your next financial disclosure report in Part 2.

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 U.S.C. §§ 203 and 205. You cannot contact the US government on behalf of Saint Luke Solutions LLC or any of your clients.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

FEB 03 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: Patrick Davis
Special Assistant
Office of the Administrator

I have received your request of January 31, 2017, to engage in outside activity for compensation as the sales director of Telephone Town Hall Meeting (TTHM). You wish to continue to set up meetings for demonstration purposes and solicit prospective clients for TTHM on your own time and not using any EPA resources. In exchange for your services, you anticipate reimbursement of Ex. 6 per month for expenses.

You are currently a Schedule C appointee at EPA, which means that you are a "covered noncareer employee" subject to the outside earned income limitations set forth at 5 CFR § 2635.804. Under this provision, you cannot receive compensation for, among other things, practicing a profession that involves a fiduciary relationship or affiliating with or being employed by a firm that provides professional services involving a fiduciary relationship. Your service as sales director does not involve any fiduciary duty. Please note, however, that you are still subject to the outside earned income limit, which is currently \$27,765 per annum. Based on the information you provided and the fact that you are currently serving in a 120-day limited term appointment, I do not expect your income from this outside compensated entity to exceed the cap.

I am therefore approving your request for outside activity and set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

- Because you will be compensated by TTHM, you have a financial conflict of interest pursuant to 18 USC § 208. You cannot participate in your EPA duties in

any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve TTHM as a specific party nor can you work on particular matters of general applicability (e.g., how the Administrator can reach a broader audience by using telephone technology services).

- You will need to report the income from this outside activity on Schedule A of your financial disclosure statement, and the outside position on Schedule D.

Representation back to the United States

- Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC § 203. You cannot represent TTHM as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest.

Misuse of Position Misuse of Position

- Because you will be compensated, you cannot ever use any EPA equipment, including phones, workspace, computer and time. The Agency's Limited Personal Use of Equipment policy, found at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>, states that there is no *de minimis* use of EPA equipment to further any compensated outside activity.
- You cannot use your EPA position, title or affiliation in connection with your outside activity. See 5 CFR § 2635.807(b). You also cannot use your federal position to further any outside fundraising efforts. In addition, there are some restrictions when engaged in fundraising (even on personal time). See 5 CFR § 2635.808. For example, you cannot personally solicit funds from a subordinate nor from any person who is an Agency prohibited source. We define "prohibited source" as any entity or person who is doing business with the Agency, seeks to do business with the Agency or is regulated by the Agency.

As always, if you have any questions, please feel free to contact me at 564-1786.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/30/2018 11:39:09 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Re: Corporate Roundtable April 11 Dinner

Thanks. Actually Ernie R invited me.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Mar 30, 2018, at 7:21 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,

I can't quite tell if the person who invited you (Tom Davis) is a federally registered lobbyist or not. There is a Thomas Davis who is, but it's not clear to me whether this Tom Davis is the same person or not.

You've indicated to me that you intend to join just for the dinner on the 11th. Because you will be giving an official speech in your EPA capacity, you may attend and eat the meal (even if Mr. Davis is a lobbyist). You may, even under the lobbyist gift ban, accept free attendance to an event that is provided by the sponsor because you will be "presenting information on behalf of the agency" on that day. So, under the ethics rules and the Trump ethics pledge, the dinner is not considered a gift at all. See 5 CFR 2635.203(b)(8). It's also going to be under the reporting threshold for your financial disclosure report, so you won't have to report it as a gift.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Jackson, Ryan
Sent: Thursday, March 29, 2018 8:52 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Corporate Roundtable April 11 Dinner

I received this, this morning. I've been asked to attend this event. What information can I gather to provide to you?

From: Tom Davis [Ex. 6]
Sent: Thursday, March 29, 2018 8:03 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Ernie Rosenberg <contact@ernierosenberg.com>
Subject: Corporate Roundtable April 11 Dinner

Good morning,
Have you any questions re the dinner on April 11?...it is casual, informal and off the record. No press.
Dinner quests usually speak for 20-25 minutes
Agenda is attached.
Thanks

Tom Davis

Box 247
Tilghman, MD 21671
202-262-1630 (cell)
410-886-1009 (office)

Email: [Ex. 6]

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/30/2018 3:49:54 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]
CC: Ringel, Aaron [ringel.aaron@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: Call

Yes, lease and proof of payment. Come by.

From: Lyons, Troy
Sent: Friday, March 30, 2018 11:24 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Fwd: Call

Do you all have anything that we can share w e&c majority as follow up to yesterday's inquiry?

Sent from my iPhone

Begin forwarded message:

From: "Ringel, Aaron" <ringel.aaron@epa.gov>
Date: March 30, 2018 at 11:19:17 AM EDT
To: "Barblan, Jennifer" <Jennifer.Barblan@mail.house.gov>
Cc: "Echols, Lamar" <Lamar.Echols@mail.house.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Shimmin, Kaitlyn" <shimmin.kaitlyn@epa.gov>, "Rodrick, Christian" <rodrick.christian@epa.gov>
Subject: Re: Call

Hey Jen, will track this down for you!

Sent from my iPhone

On Mar 30, 2018, at 11:17 AM, Barblan, Jennifer <Jennifer.Barblan@mail.house.gov> wrote:

Hi Aaron,

I'm following up on our conversation yesterday. We're interested in anything EPA has to share on the issue, including any documents on this. It sounds like there are some documents that EPA has given to the press.

Can you also send along the ethics ruling from Ms. Fugh, mentioned here and in other reports - [http://abc7news.com/pruitt-arranged-\\$50-a-night-condo-rental-through-energy-lobbyist-source-says/3282321/](http://abc7news.com/pruitt-arranged-$50-a-night-condo-rental-through-energy-lobbyist-source-says/3282321/)

Thanks,

Jen

-----Original Message-----

From: Barblan, Jennifer

Sent: Thursday, March 29, 2018 5:34 PM

To: ringel.aaron@epa.gov

Cc: Echols, Lamar <Lamar.Echols@mail.house.gov>

Subject: Call

Hi Aaron,

Can you give me a call? You can reach me on my cell at Ex. 6 Personal Privacy (PP)

Thanks,

Jen

Jennifer Barblan

Chief Counsel, Oversight and Investigations Committee on Energy and Commerce

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/6/2018 10:39:40 AM
To: Bowman, Liz [Bowman.Liz@epa.gov]
Subject: Fwd: Democrats question EPA's moonlighting political appointees
Attachments: approval for Shari Wilson - signed.pdf; ATT00001.htm; approval for Andra Belknap - signed.pdf; ATT00002.htm

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: March 5, 2018 at 10:40:42 PM EST
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: RE: Democrats question EPA's moonlighting political appointees

The ones I remember offhand are Shari Wilson (uncompensated board) and Andra Belknap. See attached.

From: Jackson, Ryan
Sent: Monday, March 05, 2018 10:31 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Democrats question EPA's moonlighting political appointees

Can you look up names when you get a moment?

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Mar 5, 2018, at 10:27 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Well, I had to think about this... I can recall two instances in which I personally approved outside activity requests in the Obama administration: one was for teaching a course at a university (for compensation), and the other was to serve on an outside board in an uncompensated position.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Jackson, Ryan
Sent: Monday, March 05, 2018 7:03 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Democrats question EPA's moonlighting political appointees

Has EPA issued these type of approvals before to political appointees?

From: Fugh, Justina
Sent: Monday, March 5, 2018 2:59 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Democrats question EPA's moonlighting political appointees

Yeah, I signed those approvals (see attached). Patrick Davis was approved back in Feb 2017 and John Konkus in Aug 2017. They both needed to confirm to me that their supervisor at the time concurred in their request, which they did orally. Both were told in advance of the FOIA release that these documents would be included. I'm sorry that it's a surprise to you. It's a surprise to me that anyone would care.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Jackson, Ryan
Sent: Monday, March 05, 2018 2:43 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: Democrats question EPA's moonlighting political appointees

This is a surprise

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "POLITICO Pro Energy Whiteboard"
<politicoemail@politicopro.com>
Date: March 5, 2018 at 2:40:58 PM EST
To: <jackson.ryan@epa.gov>
Subject: Democrats question EPA's moonlighting political appointees
Reply-To: "POLITICO subscriptions" <reply-fe9413737d64067877-1159543_HTML-786581600-1376319-0@politicoemail.com>

By Alex Guillén

03/05/2018 02:39 PM EDT

House Democrats today said they have "serious concerns" about two EPA political appointees who were cleared by the agency to work outside jobs, including one who was approved to perform public relations works for unnamed clients.

John Konkus, a deputy associate administrator of public affairs, was cleared last summer to provide "consultative media advice" to outside clients, the Democrats wrote in a [letter](#). The list of clients was redacted from Konkus' [approval](#).

Konkus, who helped shepherd Administrator Scott Pruitt through confirmation and has been at EPA since, was given a controversial charge reviewing the agency's grant awards.

"A political appointee cutting millions of dollars in funding to EPA grant recipients on what appears to be a politically motivated basis, while at the same time being authorized to serve as a paid media consultant to unnamed outside clients, raises serious concerns of potential conflicts of interest," wrote [Frank Pallone](#) of New Jersey, [Diana DeGette](#) of Colorado, [Kathy Castor](#) of Florida and [Paul Tonko](#) of New York.

The lawmakers also flagged Patrick Davis, a member of the Trump administration's EPA beachhead team who now advises the regional administrator in Colorado. Davis was cleared last year to continue working as sales director for a company called Telephone Town Hall Meeting. The clearance, released under a Freedom of Information Act request, barred Davis from using his position at EPA to solicit clients and prohibited him from pursuing anyone regulated by EPA.

WHAT'S NEXT: The lawmakers requested by March 19 more details on outside work by those officials and any other political appointees at EPA, including Konkus' client list.

To view online:

<https://www.politicopro.com/energy/whiteboard/2018/03/democrats-question-epas-moonlighting-political-appointees-732248>

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Yes, very



Somewhat



Neutral



Not really



Not at all

You received this POLITICO Pro content because your customized settings include: Energy: EPA. To change your alert settings, please go to <https://www.politicopro.com/settings>

POLITICOPRO

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/16/2018 8:22:20 PM
To: Passantino, Stefan C. EOP/WHO [Ex. 6]
Subject: Re: OGC/Ethics advises that you not attend the ECOS meeting

I'm sorry got stuck on phone with SP. Free now.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Mar 16, 2018, at 2:50 PM, Passantino, Stefan C. EOP/WHO [Ex. 6] wrote:

I tried calling. Let me know a good time to try you again.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics
Office of the White House Counsel

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Friday, March 16, 2018 2:21 PM
To: Ramer, Samuel R. EOP/WHO [Ex. 6]
Cc: Passantino, Stefan C. EOP/WHO [Ex. 6]; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: OGC/Ethics advises that you not attend the ECOS meeting

Ex. 5 Deliberative Process (DP)

From: Fugh, Justina
Sent: Friday, March 16, 2018 2:11 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>
Subject: OGC/Ethics advises that you not attend the ECOS meeting

Dear Alex,

I regret to inform you that I cannot advise that you go to the ECOS meeting, despite the email you received last night from the Chief of Staff. I am instead advising that you cancel any travel plans you may have made in anticipation, and that you continue to abide by your pledge obligation not to engage with ECOS and ERIS.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ramer, Samuel R. EOP/WHO [mailto:[Ex. 6](#)]
Sent: Friday, March 16, 2018 12:21 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: [Ex. 5 Deliberative Process \(DP\)](#)

Justina,

Ex. 5 Deliberative Process (DP)

Thanks,

Sam

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/16/2018 8:08:41 PM
To: Passantino, Stefan C. EOP/WHO <[REDACTED] Ex. 6>
Subject: Re: OGC/Ethics advises that you not attend the ECOS meeting

This meeting required some speaking and involvement so it was hard to break out of. I'm free now. 202-379-8986.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Mar 16, 2018, at 3:04 PM, Passantino, Stefan C. EOP/WHO <[REDACTED] Ex. 6> wrote:

Yes.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics
Office of the White House Counsel

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Friday, March 16, 2018 3:04 PM
To: Passantino, Stefan C. EOP/WHO <[REDACTED] Ex. 6>
Subject: Re: OGC/Ethics advises that you not attend the ECOS meeting

I'm in a meeting in Cordell Hull. Can I call on the heels?

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Mar 16, 2018, at 2:50 PM, Passantino, Stefan C. EOP/WHO <[REDACTED] Ex. 6> wrote:

I tried calling. Let me know a good time to try you again.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics
Office of the White House Counsel

From: Jackson, Ryan [<mailto:jackson.ryan@epa.gov>]
Sent: Friday, March 16, 2018 2:21 PM
To: Ramer, Samuel R. EOP/WHO <[REDACTED]> **Ex. 6**
Cc: Passantino, Stefan C. EOP/WHO <[REDACTED]> **Ex. 6**; Fugh, Justina
<Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: OGC/Ethics advises that you not attend the ECOS meeting

Ex. 5 Deliberative Process (DP)

From: Fugh, Justina
Sent: Friday, March 16, 2018 2:11 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>;
Packard, Elise <Packard.Elise@epa.gov>; Williamson, Timothy
<Williamson.Tim@epa.gov>
Subject: OGC/Ethics advises that you not attend the ECOS meeting

Dear Alex,

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code
2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC
20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-
564-1772

From: Ramer, Samuel R. EOP/WHO
Sent: Friday, March 16, 2018 12:21 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 6

Justina,

Ex. 5 Deliberative Process (DP)

Thanks,

Sam

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/28/2018 5:58:46 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: FW: okay, got it

As I thought.....

One additional question, **Ex. 5 Deliberative Process (DP)/ Ex. 6**
clarification. It may best be worth a conversation.

From: Fugh, Justina
Sent: Wednesday, March 28, 2018 1:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: okay, got it

Ex. 5 Deliberative Process (DP)/ Ex. 6

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/28/2018 5:19:32 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Fwd: EPA nominee promises to sell off up to \$850K in chemical company holdings

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "POLITICO Pro Energy Whiteboard" <politicoemail@politicopro.com>
Date: March 28, 2018 at 12:07:26 PM EDT
To: <jackson.ryan@epa.gov>
Subject: EPA nominee promises to sell off up to \$850K in chemical company holdings
Reply-To: "POLITICO subscriptions" <reply-fe901374746c037e74-1159543_HTML-786581600-1376319-0@politicoemail.com>

By Alex Guillén

03/28/2018 12:05 PM EDT

The nominee to run EPA's Office of Land and Emergency Management, which oversees Superfund and other programs, will divest as much as \$850,000 in holdings related to Dow Chemical once confirmed, according to a newly released [ethics agreement](#) and [financial disclosure](#).

[Peter Wright](#) has been an attorney with Dow for almost 20 years, and has various holdings in stock funds connected to the company or its recently merged parent, DowDuPont. According to his disclosure, the holdings total between \$365,000 and \$850,000 that must be sold off within 90 days of confirmation.

Wright also anticipates a bonus for 2017 of over \$111,000, according to the filing. The bonus is calculated by "an objective formula," Wright said. In addition, Wright's severance package would tally between \$100,000 and \$250,000, according to the document.

WHAT'S NEXT: The Senate Environment and Public Works Committee has not yet scheduled a confirmation hearing for Wright.

To view online:

<https://www.politicopro.com/energy/whiteboard/2018/03/epa-nominee-promises-to-sell-off-up-to-850k-in-chemical-company-holdings-908266>

Was this Pro content helpful? Tell us what you think in one click.



Yes, very



Somewhat



Neutral



Not really



Not at all

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<https://www.politicopro.com/settings>

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Arlington, VA, 22209, USA

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/27/2018 9:16:24 PM
To: Wilcox, Jahan [wilcox.jahan@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]
Subject: RE: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

Ok.

From: Wilcox, Jahan
Sent: Tuesday, March 27, 2018 3:46 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

This is correct, thank you Haley.

Waiting on Ryan's approval:

STATEMENT: "Jeff Sands did not attend any briefings with Administrator Pruitt until he started on October 16, 2017. He was not added to the Chief of Staff meetings until after he started, but if you have a reoccurring invite on Microsoft Outlook, it back dates to the start of the invitation."
FIRST DAY: October 16, 2017
LAST DAY: March 4, 2018

From: Ford, Hayley
Sent: Tuesday, March 27, 2018 2:21 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Re: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

That's not entirely accurate. He wasn't added before he started; he was added to the COS meeting series after he started but since the invites occurred before the start date (reoccurring invite) that's why he was on there. But he obviously didn't attend until after he started. And he wasn't on the invite when it occurred.

How you said it below would be odd because his email address wasn't created in March which is the invite they sent.

Sent from my iPhone

On Mar 27, 2018, at 12:13 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

This is good; thank you

On Mar 27, 2018, at 2:12 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Because he was on the Administrator's calendar (see attachment) prior to starting we need to adjust the statement.

STATEMENT: "To ease the onboarding process, email addresses with scheduling capabilities are created prior to an employee's start date. Jeff Sands did not attend any briefings with Administrator Pruitt until his start date, which was October 16, 2017. Additionally, all EPA employees get ethics briefings when they start and continually work with our ethics office regarding any potential conflicts they may encounter while employed here"

FIRST DAY: October 16, 2017

LAST DAY: March 4, 2018

From: Jackson, Ryan

Sent: Tuesday, March 27, 2018 1:56 PM

To: Munoz, Charles <munoz.charles@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: RE: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

So the only change is that his start date was October 16.

From: Munoz, Charles

Sent: Tuesday, March 27, 2018 1:55 PM

To: Ford, Hayley <ford.hayley@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: RE: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

Jeff Sands joined us 10/16 as an AD and then was converted over to a Schedule C on the 29th. His last day was march 4th.

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

From: Ford, Hayley

Sent: Tuesday, March 27, 2018 1:51 PM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>

Subject: RE: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

Will let Charles confirm dates. October 29 was likely effective date as it's a Sunday and the question is what day did he start. So you might just want to say October 30 because

that's the day he started I think. March 4 is correct as far as I can tell. But will let Charles confirm.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Wilcox, Jahan

Sent: Tuesday, March 27, 2018 1:46 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>;

Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>;

Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Munoz, Charles

<munoz.charles@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>

Subject: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

Answers in bold below. Will send once Susan/Patrick approves and Charles/Hayley approves.

First Day: October 29, 2017

Last Day: March 4, 2018

Statement (Which has been used before): "No. Additionally, all EPA employees get ethics briefings when they start and continually work with our ethics office regarding any potential conflicts they may encounter while employed here."

From: Wilcox, Jahan

Sent: Tuesday, March 27, 2018 1:20 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>;

Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>;

Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: FW: a few questions related to Jeffrey Sands' employment at EPA

FYI. Working on finding these answers and will circulate before sending.

From: Eilperin, Juliet [<mailto:Juliet.Eilperin@washpost.com>]

Sent: Tuesday, March 27, 2018 12:36 PM

To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Wilcox, Jahan <wilcox.jahan@epa.gov>;

Dennis, Brady <Brady.Dennis@washpost.com>

Subject: a few questions related to Jeffrey Sands' employment at EPA

Dear Liz and Jahan,

Brady and I had a few questions related to Jeffrey Sands, stemming from some public records that have been released. Here they are:

What day did Sands start at EPA? He seems to have been there at least starting on May 23, 2017, but possibly earlier, given the Administrator's calendar. We ask this because he was registered as a lobbyist for Syngenta from April 1 2017 through September 30,

2017, and EPA stated in October 2017 that he did not start work until early October. Sands' request for an ethics waiver is dated Oct. 2, 2017

- **October 29, 2017**

Did Sands play any role in the EPA's decision to reduce a \$4.8 million fine EPA levied against Syngenta for the company's use of Lorsban in Kekaha, Hawaii in January 2016, and if so, can you describe his role in that decision? In February, EPA reduced Syngenta's fine for violating of pesticide regulations to \$150,000 and required the firm to spend another \$400,000 on worker training.

- **"No. Additionally, all EPA employees get ethics briefings when they start and continually work with our ethics office regarding any potential conflicts they may encounter while employed here."**

Has Sands left the agency, and if so, what day did he stop working there?

- **March 4, 2018**

Thanks, and you know how to get in touch—we'd love to get a reply as soon as possible, because we may have to turn around this piece relatively quickly. After 3 pm I'm on my cell (before then I'm just at my desk), and Brady is just at the office.

Best,
Juliet

Juliet Eilperin
Senior National Affairs Correspondent
Washington Post
Juliet.eilperin@washpost.com
(O) 202-334-7774
(C) 202-302-3663
@eilperin

<SandsMay23.pdf>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/27/2018 6:24:17 PM
To: Munoz, Charles [munoz.charles@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]
Subject: RE: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

Actually, Beth and Charles can we talk about this? There's something to clear up prior to sending.

From: Munoz, Charles
Sent: Tuesday, March 27, 2018 1:55 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

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White House Liaison
Environmental Protection Agency
202-380-7967

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To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
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Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Wilcox, Jahan
Sent: Tuesday, March 27, 2018 1:46 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: APPROVAL: a few questions related to Jeffrey Sands' employment at EPA

Answers in bold below. Will send once Susan/Patrick approves and Charles/Hayley approves.

First Day: October 29, 2017

Last Day: March 4, 2018

Statement (Which has been used before): “No. Additionally, all EPA employees get ethics briefings when they start and continually work with our ethics office regarding any potential conflicts they may encounter while employed here.”

From: Wilcox, Jahan

Sent: Tuesday, March 27, 2018 1:20 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: FW: a few questions related to Jeffrey Sands' employment at EPA

FYI. Working on finding these answers and will circulate before sending.

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]

Sent: Tuesday, March 27, 2018 12:36 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Dennis, Brady <Brady.Dennis@washpost.com>

Subject: a few questions related to Jeffrey Sands' employment at EPA

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- **“No. Additionally, all EPA employees get ethics briefings when they start and continually work with our ethics office regarding any potential conflicts they may encounter while employed here.”**

Has Sands left the agency, and if so, what day did he stop working there?

- **March 4, 2018**

Thanks, and you know how to get in touch—we'd love to get a reply as soon as possible, because we may have to turn around this piece relatively quickly. After 3 pm I'm on my cell (before then I'm just at my desk), and Brady is just at the office.

Best,

Juliet

Juliet Eilperin
Senior National Affairs Correspondent
Washington Post
Juliet.eilperin@washpost.com
(O) 202-334-7774
(C) 202-302-3663
@eilperin

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/16/2018 5:02:57 PM
To: stefan.c.passantino@ [Ex. 6] Leopold, Matt [Leopold.Matt@epa.gov]
Subject: FW: [Ex. 5 Deliberative Process (DP)]

Stefan, I'm sorry, but this is crazy. I need clarification on this as soon as I can get it. This relates to the [Ex. 5 Deliberative Process (DP)] discussion.

From: Fugh, Justina
Sent: Friday, March 16, 2018 1:00 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: [Ex. 5 Deliberative Process (DP)]

FYI

Sent from my iPhone

On Mar 16, 2018, at 12:21 PM, Ramer, Samuel R. EOP/WHO [Ex. 6] wrote:

Justina,

Ex. 5 Deliberative Process (DP)

Thanks,

Sam

From: Fugh, Justina [mailto:Fugh.Justina@epa.gov]
Sent: Friday, March 16, 2018 9:30 AM
To: Ramer, Samuel R. EOP/WHO [Ex. 6]
Subject: RE: [Ex. 5 Deliberative Process (DP)]

Hi there,

I have tried those numbers below, but neither seems to connect to you. The first goes to a voice mail for someone else, and the cell number does not have a voice mail box set up. Could you perhaps call me?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ramer, Samuel R. EOP/WHO

Ex. 6

Sent: Thursday, March 15, 2018 5:17 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Ex. 5 Deliberative Process (DP)

Justina,

Hello, Stefan asked me to take a look at the Ex. 5 Deliberative Process (DP) Can you give me a quick call at the contact numbers below?

Thanks,

Sam

Samuel Ramer
Senior Associate Counsel to the President
Office of the White House Counsel

Ex. 6

44 U.S.C. § 2205(2) Notice: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged.

Message

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 3/20/2018 1:34:04 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Ethics Approval: Events with VPOTUS

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: March 19, 2018 at 9:04:30 PM EDT
To: "Packard, Elise" <Packard.Elise@epa.gov>, "Leopold, Matt" <Leopold.Matt@epa.gov>
Subject: Re: Ethics Approval: Events with VPOTUS

Looking quickly, this seems very similar to events last administration with Democracy for America. Those were treated as political events because they were sponsored by a 501(c)(4) entity that is focused on supporting the policies of the President's presidential campaign. This President has declared his candidacy and is a candidate for partisan election, so, unfortunately, I do not see it differently from Justina. The only option I could think of is to consult with the Office of Special Counsel who enforces the Hatch Act and see if they see it differently.

Kevin

Sent from my iPhone

On Mar 20, 2018, at 8:42 AM, Packard, Elise <Packard.Elise@epa.gov> wrote:

From: Leopold, Matt
Sent: Monday, March 19, 2018 7:33 PM
To: Packard, Elise
Subject: Fwd: Ethics Approval: Events with VPOTUS

Sent from my iPhone

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: March 19, 2018 at 7:02:10 PM EDT
To: "Leopold, Matt" <Leopold.Matt@epa.gov>
Subject: FW: Ethics Approval: Events with VPOTUS

From: Fugh, Justina
Sent: Monday, March 19, 2018 5:29 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: FW: Ethics Approval: Events with VPOTUS

Hi Hayley,

All three of these events involve organizations that are considered political groups or a political party, including American First Policies. So the Hatch Act is implicated in each one. The rules for Mr. Pruitt are very different than those for the Vice President, who is not subject to the Hatch Act. For Mr. Pruitt to attend, he must do so only in his personal capacity, and the organization cannot refer to him in any way with reference to his official title or position. He cannot be introduced or appear on any brochure or email as the EPA Administrator.

Please see my comments on the email you sent. I've copied Jeanne Duross, an ethics attorney, for her information as she is picking up Hatch Act as an area of specialty in our group. I've attached the Hatch Act ground rules and other documents prepared by OGC/Ethics as a reminder to us all.

YOU WROTE: The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component.

JUSTINA: Actually, the 2018-03-23 VP Event is considered to be a political event because one of the sponsors, America First Policies, is a "political group" under the applicable definition of the Hatch Act. It is a 501(c)(4) entity that promotes the policy agenda of the President's presidential campaign. If Mr. Pruitt wishes to attend, he must do so in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let's coordinate so that I know when OGC/Ethics should write to Adria Stoliar with the Hatch Act ground rules.

The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

JUSTINA: If he attends, it must be in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let's coordinate so that I know when OGC/Ethics should write to Ann Pierce (America First Roundtable) and Carmen Bergman (Georgia Republican Party) with the Hatch Act ground rules.

The information below will be helpful in reviewing:

- **Costs:** The VP's office will sum up all of the bills associated with this trip and will categorize as political or official according to the amount of time he spent at political vs. official events.

JUSTINA: No, I don't think so. Since these are Presidential campaign events, the correct calculation is done not by "hard time" (the actual distribution of time spent on one type event versus the other) but rather by the "hypothetical" time. Remember that what the VP can do is very different from what Mr. Pruitt may do under the Hatch Act.

- For the portion of costs associated with his time at the political events (and by extension, the Administrator's costs), they will bill these costs directly to the political entities. For the official portion, they have sent us a reimbursement agreement for the Administrator's portion of the costs. Therefore, NONE of the costs of the Administrator attending the political events in his personal capacity will be paid/invoiced by/to the EPA.

JUSTINA: I want to reassure myself that the costs are calculated correctly (and, because this is political travel, we should not use Mr. Pruitt's EPA title). Please send me the reimbursement agreement so that I can see it.

- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).

JUSTINA: He cannot use his EPA position, title or authority in connection with the political activity. The GA GOP needs to get our ground rules so that we can see who is being invited because he can't encourage or discourage the political activity of people directly regulated by EPA or use his EPA official title/authority in connection with the activity. And he can't ask for money at all.

- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. They may not know yet that the VP's office is bringing the Administrator as his guest, so please just let me know before you reach out so I can clear with the VP's office that it's ok.

JUSTINA: Let's coordinate.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ford, Hayley
Sent: Thursday, March 15, 2018 6:23 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Ethics Approval: Events with VPOTUS

Justina,

The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component. The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

The information below will be helpful in reviewing:

- **Costs:** The VP's office will sum up all of the bills associated with this trip and will categorize as political or official according to the amount of time he spent at political vs. official events. For the portion of costs associated with his time at the political events (and by extension, the Administrator's costs), they will bill these costs directly to the political entities. For the official portion, they have sent us a reimbursement agreement for the Administrator's portion of the costs. Therefore, NONE of the costs of the Administrator attending the political events in his personal capacity will be paid/invoiced by/to the EPA.
- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).
- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. They may not know yet that the VP's office is bringing the Administrator as his guest, so please just let me know before you reach out so I can clear with the VP's office that it's ok.

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the
Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

<A1A ATLANTA Roundtable SP 03 23 18.docx>

<Georgia GOP.DOCX>

<2018-03-23 VP Event Proposal Atlanta, GA.DOCX>

<GROUND RULES FOR POLITICAL EVENTS.doc>

<HOW TO CALCULATE POLITICAL TRAVEL.doc>

<HOW TO REVIEW POLITICAL INVITATIONS.doc>

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 3/9/2018 5:06:06 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: two things
Attachments: **Ex. 5 Deliberative Process (DP)**

Hi Ryan,

1) I have sent Chad's draft ethics agreement to OGE. They are on board with expedited review for preclearance, too.

2) **Ex. 5 Deliberative Process (DP)** Please.

Justina

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 3/9/2018 4:51:12 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: oh happy day!

I misspoke (or mistyped). I had to make the change to his public financial disclosure report. Sent the draft ethics agreement and revised 278 to OGE about 10 minutes ago.

From: Jackson, Ryan
Sent: Friday, March 09, 2018 11:33 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: oh happy day!

Why mention it at all?

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: March 9, 2018 at 10:59:41 AM EST
To: William McIntosh <[REDACTED] Ex. 6>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: oh happy day!

Hi Chad,

We have successfully convinced the Office of Government Ethics (OGE) that your [REDACTED] Ex. 6

[REDACTED] Ex. 6

[REDACTED] Ex. 6 I'll reflect that in the ethics agreement that I'm finishing up now. I will be sending my version to OGE in the next hour, and then they will review and offer any changes. Once I get that version back from them, I'll send it to you for review and eventual signature. I just talked to OGE, and they are on board with expedited review so that we can move smartly along in the preclearance process.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 4/1/2018 9:19:41 PM
To: Ferguson, Lincoln [ferguson.lincoln@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: Re: Reply to NYT

Sent

On Apr 1, 2018, at 5:07 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

Good to go

Sent from my iPhone

On Apr 1, 2018, at 5:06 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

I plan to send the following, based on conversations with the administrator. Please let me know if you have concerns:

Hi Eric - We can provide an answer to your series of questions, but not with only two hours notice on Easter Sunday. In the meantime, our statement is below:

“What we can say to you, with respect to every one of your questions, is that there is no connection whatsoever between any decision Administrator Pruitt has made at EPA and any place he has lived. Any attempt to draw that link is patently false.

“I would also point out, that references to any kind of deal in your reporting is not based on fact. Please see Friday’s memo from EPA career ethics officials, who determined that living at the residence was not a gift, and in fact is consistent with ethics laws.”

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 3/7/2018 1:18:30 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: RE:

Yep. Am at the airport: Ex. 6 My work cell is 202 731 3631.

Sent from my iPhone

> On Mar 6, 2018, at 7:36 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>
> Are you available?

> -----Original Message-----

> From: Fugh, Justina
> Sent: Tuesday, March 6, 2018 1:39 PM
> To: Jackson, Ryan <jackson.ryan@epa.gov>
> Subject: RE:

> Hi there,
> I'm here. I'm working on drafting Chad's ethics agreement and figuring out his executive lease. Do
you need me for something? I'm here until about 7 pm but out tomorrow Ex. 6
> Justina

>
> Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room
4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use
20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

> -----Original Message-----

> From: Jackson, Ryan
> Sent: Tuesday, March 06, 2018 12:46 PM
> To: Fugh, Justina <Fugh.Justina@epa.gov>
> Subject:

> I'm checking in. I think you're in the phone. I hope that's a good sign.

>
>
>
>
>
>
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> 202-564-6999

Message

From: Ford, Hayley [ford.hayley@epa.gov]
Sent: 3/2/2018 8:32:39 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: [EXTERNAL] RE: Request for Administrator Pruitt to Attend NRCC Reception

Yes Justina, he would like to attend this. Please proceed with that which you mentioned below.

He would likely not walk.

Let me know if you need anything else. Thanks!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Fugh, Justina
Sent: Thursday, March 1, 2018 12:24 AM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: [EXTERNAL] RE: Request for Administrator Pruitt to Attend NRCC Reception

Hi Hayley,

Yes, if he wants to attend, OGC/Ethics can work with you and the NRCC to allow him to do so consistent with the Hatch Act. How about if you find out if he wants to attend, and then let me know. If he does, then I will contact Ms. Furciniti with our ground rules. And I will write up some reminders for him so that he is aware of his own obligations under the Hatch Act and doesn't inadvertently err. I noticed that the event is walking distance from EPA, but would he really walk over there? If he is driven, then I have to work out the payment (it's minimal, admittedly).

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ford, Hayley
Sent: Wednesday, February 28, 2018 2:26 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: [EXTERNAL] RE: Request for Administrator Pruitt to Attend NRCC Reception

Justina –

The National Republican Congressional Committee would like the Administrator to attend a reception with House leadership and top NRCC donors in a couple weeks. No speaking part, just mingling. I have not run past him to see if he'd like to attend, but can you review and send your thoughts?

Please let me know if you need anything else from me. I can let Ada know that you'll be reaching out with questions, if you'd like to discuss with her. She would be POC from the requester.

Thanks!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Ada Furciniti [<mailto:afurciniti@NRCC.org>]
Sent: Wednesday, February 28, 2018 2:01 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Emma Nelson <enelson@NRCC.org>
Subject: Request for Administrator Pruitt to Attend NRCC Reception

Good afternoon Hayley –

The National Republican Congressional Committee would like to invite Administrator Pruitt to attend a reception on Tuesday, March 20th. The details of the event are below.

NRCC Chairman's Reception

Tuesday, March 20, 2018

4:15pm – 5:15pm

The Willard Offices, 12th Floor Terrace

1455 Pennsylvania Ave NW, Washington, DC

There will be between 150 and 200 attendees, including House Leadership, Members of Congress, and NRCC donors from Washington, DC and around the country who are members of our Chairman's Club. Brief remarks will be made by members of Leadership.

We would love it if Administrator Pruitt would join us to mix and mingle with attendees at this event!

Please let us know what else you need from us! Thank you!

Ada Furciniti

Finance Coordinator

National Republican Congressional Committee

W: (202) 479-7063 | C: (603) 714-9146

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 3/16/2018 6:37:59 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Samuel.R.Ramer [Ex. 6]
CC: stefan.c.passantino [Ex. 6]; Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: OGC/Ethics advises that you not attend the ECOS meeting

Just to clarify ...

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Jackson, Ryan
Sent: Friday, March 16, 2018 2:21 PM
To: Samuel.R.Ramer [Ex. 6]
Cc: stefan.c.passantino [Ex. 6]; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: OGC/Ethics advises that you not attend the ECOS meeting

Ex. 5 Deliberative Process (DP)

From: Fugh, Justina
Sent: Friday, March 16, 2018 2:11 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>
Subject: OGC/Ethics advises that you not attend the ECOS meeting

Dear Alex,

I regret to inform you that I cannot advise that you go to the ECOS meeting, despite the email you received last night from the Chief of Staff. I am instead advising that you cancel any travel plans you may have made in anticipation, and that you continue to abide by your pledge obligation not to engage with ECOS and ERIS.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ramer, Samuel R. EOP/WHO [Ex. 6]

Sent: Friday, March 16, 2018 12:21 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Ex. 5 Deliberative Process (DP)

Justina,

Ex. 5 Deliberative Process (DP)

Thanks,

Sam

Message

From: Passantino, Stefan C. EOP/WHO [Ex. 6]
Sent: 3/16/2018 6:23:28 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Ramer, Samuel R. EOP/WHO [Ex. 6]
CC: Fugh, Justina [Fugh.Justina@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: OGC/Ethics advises that you not attend the ECOS meeting

Ryan, I can call shortly.

STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance & Ethics
Office of the White House Counsel

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Friday, March 16, 2018 2:21 PM
To: Ramer, Samuel R. EOP/WHO [Ex. 6]
Cc: Passantino, Stefan C. EOP/WHO [Ex. 6]; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: OGC/Ethics advises that you not attend the ECOS meeting

Ex. 5 Deliberative Process (DP)

From: Fugh, Justina
Sent: Friday, March 16, 2018 2:11 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>
Subject: OGC/Ethics advises that you not attend the ECOS meeting

Dear Alex,

I regret to inform you that I cannot advise that you go to the ECOS meeting, despite the email you received last night from the Chief of Staff. I am instead advising that you cancel any travel plans you may have made in anticipation, and that you continue to abide by your pledge obligation not to engage with ECOS and ERIS.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ramer, Samuel R. EOP/WHO

Ex. 6

Sent: Friday, March 16, 2018 12:21 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Justina,

Ex. 5 Deliberative Process (DP)

Thanks,

Sam

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 3/16/2018 10:12:24 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Leopold, Matt [Leopold.Matt@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Re:

Thank you Ryan. I will follow up with OGC on next steps.

Sent from my iPhone

Alexandra Dapolito Dunn, J.D. , Regional Administrator

Region 1 New England. *This email is for official EPA business only and may be subject to disclosure under the Freedom of information Act*

On Mar 15, 2018, at 10:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Alex

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 3/14/2018 3:51:58 PM
To: Passantino, Stefan C. EOP/WHO [REDACTED] **Ex. 6**
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]; Scott.A.DeLaVega@ [REDACTED] **Ex. 6**
Subject: **Ex. 5 Deliberative Process (DP)**
Attachments: [REDACTED] **Ex. 5 Deliberative Process (DP)**.pdf

Hi there,

On behalf of EPA's General Counsel and Chief of Staff, I am sending you [REDACTED] **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

While we appreciate that you are very busy, please note that there is [REDACTED] **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Should you have any questions, please do not hesitate to contact me.

Best regards,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Wehrum, Bill [Wehrum.Bill@epa.gov]
Sent: 3/22/2018 7:11:07 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: Re: Response to OGE 201 Requests from [Ex. 3 [Ethics in Government Act]; Ex. 6]

I'm fine with releasing my current ethics agreement. I'd appreciate a chance to see what you plan to see bait before it is submitted.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On Mar 22, 2018, at 2:26 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

We continue to get pinged on this from [Ex. 3 [Ethics in Government Act]; Ex. 6]. I do fear that he will make a formal request which will become public.

How do you recommend we respond to this request?

From: Jackson, Ryan
Sent: Friday, March 16, 2018 4:41 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Response to OGE 201 Requests from [Ex. 3 [Ethics in Government Act]; Ex. 6]

This new situation is made up and not what you came to EPA based on. I strongly believe you should rely on the initial advice because this oops stuff from ethics is a major issue and ridiculous. We don't bait and switch.

From: Wehrum, Bill
Sent: Friday, March 16, 2018 4:38 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Response to OGE 201 Requests from [Ex. 3 [Ethics in Government Act]; Ex. 6]

There is no mystery here. Our alternative ethics official, in consultation with OGE, recently asserted a much more prescriptive interpretation of aspects of the Trump pledge than had been previously been asserted. I am complying with the more prescriptive interpretation, but continue to press them to understand why things have changed. I have suggested that we should hold back on providing my ethics statement until this issue is worked out – on the possibility that documentation might change, which would have to be explained if it happens after initial disclosure. But, disclosing something sooner is fine with me if needed to satisfy the pending inquiries.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Lyons, Troy
Sent: Friday, March 16, 2018 3:25 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: Response to OGE 201 Requests from Ex. 3 [Ethics in Government Act]; Ex. 6

Flagging for your awareness

From: Ex. 3 [Ethics in Government Act]; Ex. 6
Sent: Friday, March 16, 2018 3:23 PM
To: Aarons, Kyle <Aarons.Kyle@epa.gov>
Cc: Knapp, Kristien <Knapp.Kristien@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Response to OGE 201 Requests from Ex. 3 [Ethics in Government Act]; Ex. 6

Kyle,

Checking back on this request. I'm starting to seriously question the length of the delay making this recusal public. As EPA issues more and more guidance on issues related to Mr. Wehrum's representation of private clients, is it EPA's position that his recusal determination is not yet complete?

Let me know if I need to send a letter under the Senator's signature to move this along. Thanks.

Ex. 3 [Ethics in Government Act]; Ex. 6

From: Ex. 3 [Ethics in Government Act]; Ex. 6
Sent: Friday, February 23, 2018 1:57 PM
To: 'Aarons, Kyle' <Aarons.Kyle@epa.gov>
Cc: Knapp, Kristien <Knapp.Kristien@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Response to OGE 201 Requests from Ex. 3 [Ethics in Government Act]; Ex. 6

OK thanks.

It would also be helpful if you could explain why his statement is not yet available when the attached certification from December 7 (section 6 in particular) suggests that the process for determining recusals has been completed.

From: Aarons, Kyle [mailto:Aarons.Kyle@epa.gov]
Sent: Thursday, February 22, 2018 4:45 PM
To: Ex. 3 [Ethics in Government Act]; Ex. 6
Cc: Knapp, Kristien <Knapp.Kristien@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Lyons, Troy

<lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>

Subject: RE: Response to OGE 201 Requests from [Ex. 3 [Ethics in Government Act]; Ex. 6]

Hi Joe – Our ethics office has informed me that they do not yet have a signed recusal statement from Bill Wehrum. I can send it to you once it is available – no need for a formal letter.

Thanks,
Kyle

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

From: [Ex. 3 [Ethics in Government Act]; Ex. 6]

Sent: Thursday, February 22, 2018 2:55 PM

To: Aarons, Kyle <Aarons.Kyle@epa.gov>

Subject: RE: Response to OGE 201 Requests from [Ex. 3 [Ethics in Government Act]; Ex. 6]

Thank you Margaret. Dropping you and Justina to bcc

Hi Kyle,

I'm looking for Bill Wehrum's recusal statement, like David Harlow's (attached here) I can send over a Senator-signed letter if necessary but would prefer not to if you can help with this straightforward request. Thanks.

[Ex. 3 [Ethics in Government Act]; Ex. 6]

From: Ross, Margaret [mailto:Ross.Margaret@epa.gov]

Sent: Thursday, February 22, 2018 11:45 AM

To: [Ex. 3 [Ethics in Government Act]; Ex. 6]

Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>

Subject: RE: Response to OGE 201 Requests from [Ex. 3 [Ethics in Government Act]; Ex. 6]

Hi Joe,

You should contact Kyle Aarons (copied here), in EPA's Office of Congressional and Intergovernmental Relations (OCIR), regarding your request for Mr. Wehrum's recusal statement.

Kyle Aarons
Aarons.kyle@Epa.gov

Best,
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: [Ex. 3 [Ethics in Government Act]; Ex. 6]

Sent: Wednesday, February 21, 2018 1:03 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Response to OGE 201 Requests from Ex. 3 [Ethics in Government Act]; Ex. 6

Thank you for this information, Margaret.

Separately, I am looking for a copy of William Wehrum's recusal statement (similar to the one attached). I have been advised it is complete. I was about to fill out an OGE 201 request, but I do not see that specific document listed as a "covered record." Is that something you can provide? Thank you.

Ex. 3 [Ethics in Government Act]; Ex. 6

From: Ross, Margaret [mailto:Ross.Margaret@epa.gov]

Sent: Monday, February 19, 2018 11:12 AM

To: Ex. 3 [Ethics in Government Act]; Ex. 6

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Response to OGE 201 Requests from Ex. 3 [Ethics in Government Act]; Ex. 6

Greetings.

Attached are the remaining materials related to your OGE 201 request. Please see below for EPA's record of all of your requests and the EPA's responses. This OGE 201 request is now filled.

This request also fulfills the request submitted by: Ex. 3 [Ethics in Government Act]; Ex. 6

Ex. 3 [Ethics in Government Act]; Ex. 6

Please let me know if you have any questions.

Best,
Margaret Ross

Request #	Requested 278	Requested by	Requesting Org	Date Received	2/17 status	Date of response or closure
				3/24/2017	Previously Released	5/11/2017
				3/24/2017	Previously Released	6/29/2017
				3/24/2017	Previously Released	1/9/2018
					Transferred to Selective Service System. Please contact Rudy Sanchez, Designated Agency Ethics Official at rsanchez@sss.gov or 703-605-4012	
				3/24/2017		5/5/2017
				3/24/2017	Previously Released	5/16/2017

Ex. 3 [Ethics in Government Act]; Ex. 6

Ex. 3 [Ethics in Government Act]; Ex. 6

Ex. 3 [Ethics in Government Act]; Ex. 6

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

Message

From: Hupp, Millan [hupp.millan@epa.gov]
Sent: 3/22/2018 5:25:16 PM
To: Ford, Hayley [ford.hayley@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: Travel followup

We had discussed attending ALEC but to my knowledge, ended up not participating.

NAM – this was before me so I am sorry but I do not have one.

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

From: Ford, Hayley
Sent: Wednesday, March 21, 2018 10:09 AM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Travel followup

April 13, 2017 was a Thursday leading into Easter weekend. He went to Tulsa that weekend for Easter but there was no ALEC conference (on the calendar, Millan can confirm if this existed but highly doubt it)

May 11, 2017 Colorado Springs to Heritage – see below. This was copied to the calendar invite.

March 6, 2017 to Scottsdale for NAM conference – There is no ethics waiver attached to calendar – Millan, do you have one?

From: Keith, Jennie
Sent: Wednesday, April 5, 2017 11:12 PM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Cc: Hupp, Millan <hupp.millan@epa.gov>
Subject: Fw: Heritage Foundation- For Approval

Evening Sydney,

There are **no ethics concerns** with respect to this event. See the following for more complete details.

Best, Jennie for OGC/Ethics

White House Ethics Pledge

The White House Ethics Pledge does not allow political appointees to accept gifts from registered lobbyists. The persons extending the invitation are not registered lobbyists or lobbying organizations, therefore the Ethics Pledge is not implicated.

Acceptance of Free Attendance (including a meal)

Because the official has been invited to speak and present information on behalf of the agency, pursuant to 5 CFR 2635.204(g)(1), acceptance of free attendance and any meals provided **on the day of the event** is not considered a gift. The official's participation in the event is viewed as a customary and necessary part of his performance of the event and does not involve a gift to him or to the agency. While free attendance will cover a meal that is provided to all attendees, it does not cover side events, receptions, and other meals (like a speaker's dinner) **that are not open** to all attendees.

Financial Disclosure Implications

Because this is not a gift, there are no financial disclosure reporting obligations.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Ferguson, Lincoln
Sent: Wednesday, March 21, 2018 9:55 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Ford, Hayley <ford.hayley@epa.gov>
Subject: Re: Travel followup

Confirm with Millan, but I don't believe he attended an ALEC Conference in Tulsa

Sent from my iPhone

On Mar 21, 2018, at 9:46 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Do we have the ethics waivers for:

April 13, 2017, to Tulsa for an ALEC conference,
May 11, 2017, to Colorado Springs for a Heritage conference
March 6, 2017, to Scottsdale for a NAM conference.

From: Lachlan Markay [<mailto:lachlan.markay@thedailybeast.com>]
Sent: Wednesday, March 21, 2018 8:42 AM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>

Subject: Travel followup

Hey Jahan, working on a followup to our piece yesterday on the administrator's travel records.

I'm wondering in particular about three flights: April 13, 2017, to Tulsa for an ALEC conference, May 11, 2017, to Colorado Springs for a Heritage conference, and March 6, 2017, to Scottsdale for a NAM conference.

Just wondering if there's any info you could send on correspondence with ethics officials regarding official payment for those trips. And on the NAM conference, records sent to Chairman Gowdy note that OCC was considering whether NAM could pay for the administrator's lodging in Scottsdale. Do you know if they ever signed off on that?

Thanks,

Lachlan

--

Lachlan Markay
The Daily Beast
(202) 740-0980

Message

From: Ford, Hayley [ford.hayley@epa.gov]
Sent: 3/20/2018 9:48:45 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: UPDATE to our earlier advice about America First Policies

I'm over it ☺

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan
Sent: Tuesday, March 20, 2018 5:45 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Subject: RE: UPDATE to our earlier advice about America First Policies

OMG

From: Ford, Hayley
Sent: Tuesday, March 20, 2018 5:20 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: UPDATE to our earlier advice about America First Policies

Also just want to update on his plans – the Administrator is now only attending the first official event and NOT the 2 political events. So that should make things easier. Thanks!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Ford, Hayley
Sent: Tuesday, March 20, 2018 11:43 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: UPDATE to our earlier advice about America First Policies

Got it, thank you!

See attached for reimbursable agreement, Justina.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Jackson, Ryan
Sent: Tuesday, March 20, 2018 11:39 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: UPDATE to our earlier advice about America First Policies

Thanks all.

From: Fugh, Justina
Sent: Tuesday, March 20, 2018 11:38 AM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: UPDATE to our earlier advice about America First Policies

Hi Hayley,

OGC/Ethics had earlier indicated to you that AMERICA FIRST POLICIES should be considered a partisan political group for the purposes of the Hatch Act. Matt Leopold asked us to re-examine the question, given the fact that the organization is a 501(c)(4). Although the entity's website does not indicate its specific non-profit status under 501(c), OGC/Ethics has since found other sources that identify AMERICA FIRST POLICIES as a 501(c)(4). Therefore, upon further review, we are *revising* our earlier advice. OGC/Ethics now concludes that the Administrator can attend the AMERICA FIRST POLICIES event in his official EPA capacity.

According to the Office of Special Counsel (OSC), the independent agency that oversees compliance with the Hatch Act, 501(c)(4) organizations should not be considered to be partisan political groups for purposes of the Hatch Act:

Partisan political groups or organizations" are committees, clubs, and other organizations that affiliate with a political party or candidate for political office in a partisan election. The term also includes committees, clubs, and other organizations that are organized for a partisan political purpose. 501(c)(4) organizations are organized to promote social welfare and may participate in some political activity on behalf of or in opposition to candidates for public office, provided such activity is not their primary activity. In light of their purpose, OSC has concluded that they are not partisan political groups for purposes of the Hatch Act.

So the Administrator can attend the AMERICA FIRST POLICIES event with the Vice President. But, as you indicated in your message, we will have to sort out the travel costs based on the hard time calculation. And please send me the reimbursement agreement so that I can include it in my files. Also, let's coordinate on the other two events so that I can send the ground rules over to those partisan groups.

Thanks for your patience on this, Hayley!

justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Monday, March 19, 2018 5:29 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>

Subject: FW: Ethics Approval: Events with VPOTUS

Hi Hayley,

All three of these events involve organizations that are considered political groups or a political party, including American First Policies. So the Hatch Act is implicated in each one. The rules for Mr. Pruitt are very different than those for the Vice President, who is not subject to the Hatch Act. For Mr. Pruitt to attend, he must do so only in his personal capacity, and the organization cannot refer to him in any way with reference to his official title or position. He cannot be introduced or appear on any brochure or email as the EPA Administrator.

Please see my comments on the email you sent. I've copied Jeanne Duross, an ethics attorney, for her information as she is picking up Hatch Act as an area of specialty in our group. I've attached the Hatch Act ground rules and other documents prepared by OGC/Ethics as a reminder to us all.

YOU WROTE: The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component.

JUSTINA: Actually, the 2018-03-23 VP Event is considered to be a political event because one of the sponsors, America First Policies, is a "political group" under the applicable definition of the Hatch Act. It is a 501(c)(4) entity that promotes the policy agenda of the President's presidential campaign. If Mr. Pruitt wishes to attend, he must do so in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let's coordinate so that I know when OGC/Ethics should write to Adria Stoliar with the Hatch Act ground rules.

The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

JUSTINA: If he attends, it must be in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let's coordinate so that I know when OGC/Ethics should write to Ann Pierce (America First Roundtable) and Carmen Bergman (Georgia Republican Party) with the Hatch Act ground rules.

The information below will be helpful in reviewing:

- **Costs:** The VP's office will sum up all of the bills associated with this trip and will categorize as political or official according to the amount of time he spent at political vs. official events.
JUSTINA: No, I don't think so. Since these are Presidential campaign events, the correct calculation is done not by "hard time" (the actual distribution of time spent on one type event versus the other) but rather by the "hypothetical" time. Remember that what the VP can do is very different from what Mr. Pruitt may do under the Hatch Act.
- For the portion of costs associated with his time at the political events (and by extension, the Administrator's costs), they will bill these costs directly to the political entities. For the official portion, they have sent us a reimbursement agreement for the Administrator's portion of the costs. Therefore, NONE of the costs of the Administrator attending the political events in his personal capacity will be paid/invoiced by/to the EPA.
JUSTINA: I want to reassure myself that the costs are calculated correctly (and, because this is political travel, we should not use Mr. Pruitt's EPA title). Please send me the reimbursement agreement so that I can see it.
- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).
JUSTINA: He cannot use his EPA position, title or authority in connection with the political activity. The GA GOP needs to get our ground rules so that we can see who is being invited because he can't encourage or discourage the political activity of people directly regulated by EPA or use his EPA official title/authority in connection with the activity. And he can't ask for money at all.
- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. They may not know yet that the VP's office is bringing the Administrator as his guest, so please just let me know before you reach out so I can clear with the VP's office that it's ok.
JUSTINA: Let's coordinate.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ford, Hayley
Sent: Thursday, March 15, 2018 6:23 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Ethics Approval: Events with VPOTUS

Justina,

The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component. The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

The information below will be helpful in reviewing:

- **Costs:** The VP's office will sum up all of the bills associated with this trip and will categorize as political or official according to the amount of time he spent at political vs. official events. For the portion of costs associated with his time at the political events (and by extension, the Administrator's costs), they will bill these costs directly to the political entities. For the official portion, they have sent us a reimbursement agreement for the Administrator's portion of the costs. Therefore, NONE of the costs of the Administrator attending the political events in his personal capacity will be paid/invoiced by/to the EPA.
- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).
- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. They may not know yet that the VP's office is bringing the Administrator as his guest, so please just let me know before you reach out so I can clear with the VP's office that it's ok.

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 3/20/2018 9:03:13 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Leopold, Matt [Leopold.Matt@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]
Subject: Ex. 5 Deliberative Process (DP)

Hi Alex,

I know that you feel constrained and appreciate your continued compliance with the pledge. Just to update you, earlier today, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I have not heard back, but will keep you and the others posted with any news.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Dunn, Alexandra
Sent: Tuesday, March 20, 2018 7:28 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>
Subject: RE: OGC/Ethics advises that you not attend the ECOS meeting

Given that yesterday's senior staff meeting was cancelled due to the large number of EPA leaders attending ECOS, and that the Administrator's PFAS release yesterday was accompanied by a quote from Michigan's Governor and from the new ECOS Executive Director, I think Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I did not travel to ECOS. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, J.D.
Regional Administrator

Region 1 New England
5 Post Office Sq. Suite 100
Mail Code: ORA01-4
Boston, MA 02109-3912

Desk: (617) 918-1012
Mobile: (857) 291-4405
Fax: (617) 918-0012
dunn.alexandra@epa.gov

From: Jackson, Ryan
Sent: Friday, March 16, 2018 2:16 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>
Subject: RE: OGC/Ethics advises that you not attend the ECOS meeting

Ex. 5 Deliberative Process (DP)

From: Fugh, Justina
Sent: Friday, March 16, 2018 2:11 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>
Subject: OGC/Ethics advises that you not attend the ECOS meeting

Dear Alex,

I regret to inform you that I cannot advise that you go to the ECOS meeting, despite the email you received last night from the Chief of Staff. I am instead advising that you cancel any travel plans you may have made in anticipation, and that you continue to abide by your pledge obligation not to engage with ECOS and ERIS.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ramer, Samuel R. EOP/WHO
Sent: Friday, March 16, 2018 12:21 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 6

Justina,

Ex. 5 Deliberative Process (DP)

Thanks,

Sam